

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION

PHILLIP DWAIN SMITH,  
Petitioner,

VS.

DEE ANDERSON, Sheriff,  
Tarrant County, Texas,  
Respondent.

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CIVIL ACTION NO.4:09-CV-509-Y

ORDER ADOPTING MAGISTRATE JUDGE'S FINDINGS AND CONCLUSIONS


Before the Court is the petition for writ of habeas corpus under 28 U.S.C. § 2241 of petitioner Phillip Dwain Smith, along with the December 15, 2009, findings, conclusions, and recommendation of the United States magistrate judge. The magistrate judge gave the parties until January 5, 2010, to file written objections to the findings, conclusions, and recommendation. As of the date of this order, no written objections have been filed.

The Court has reviewed the pleadings and the record in this case, and has reviewed for clear error the findings, conclusions and recommendation. The Court concludes that, for the reasons stated by the magistrate judge, the petition for writ of habeas corpus should be dismissed without prejudice.

Therefore, the findings, conclusions and recommendation of the magistrate judge are ADOPTED.

Phillip Dwain Smith's petition for writ of habeas corpus under 28 U.S.C. § 2241 is DISMISSED without prejudice.

SIGNED January 13, 2010.

  
TERRY R. MEANS  
UNITED STATES DISTRICT JUDGE